

REMARKS

Claims 1-26 were previously pending in this application. Claims 1, 2 and 16 have been amended. As a result claims 1-26 are pending for examination with claims 1, 2 and 16 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §102

Claims 1-6, 8-12, 14-18 and 20-26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,028,049 to Shelton (hereinafter *Shelton*). Claims 1, 2 and 16 have been amended, overcoming this rejection.

Claim 1 as amended is representative and discussed here in detail. Claim 1 has been amended to clarify that the invention includes “providing to the requestor a cover letter having an identifier for identifying the order requested from the online location” and further that “in response to the requestor sending the cover letter and the patient authorization letter, requesting, by the processing center, to a shipping location to ship the patient record concerning the identified patient to a destination location.” The claim further recites that the patient authorization letter and the cover letter are both provided to the requestor, followed by “sending, by the requestor, the cover letter along with the patient authorization letter to a processing center, for completing the order.” The actors, according to the recitation of the claim, include the patient, the requestor, the online location and a processing center. Of note, the requestor obtains both the patient authorization letter and the cover letter containing the identifier, both of which the requestor then forwards to the processing center. According to the claim language, the combination of the cover letter with the identifier and patient authorization letter, both forwarded to the processing center by the requestor, constitute necessary conditions to a valid request for records to be prepared and shipped by the processing center.

In contrast, *Shelton* discloses a system in which the patient and the requestor independently provide an approvals agent with the patient authorization letter and request, respectively. The approvals agent then forwards the request and patient authorization letter to the legacy database administrator as a validated request for patient records. The requested records then are shipped back to the original requestor.

There is no way to map the actors defined by the claim and the sequence of events performed by the specific, defined actors, as defined by the claim, to the actors and events as they are disclosed to be performed in *Shelton*.

If the sequence involving the cover letter and identifier is examined, the lack of correspondence between the claim and *Shelton* can readily be seen. The claim requires that the cover letter having an identifier for identifying the order requested be provided to the requestor. In order to do so, of course, the request must have been made by the requestor; otherwise there is no order requested that can be so identified. Subsequently, the cover letter having the identifier and a patient authorization letter are both provided to the processing center by the requestor. Thus, the sequence defined includes: 1) the requestor (entity 1) making a request at an online location (entity 2); 2) the requestor receiving the cover letter having the identifier; and 3) the requestor providing the cover letter having the identifier to the processing center (entity 3). In contrast, according to the disclosure of *Shelton*, no such cover letter is generated. The request is made by the requestor (entity 1) to the approvals agent (entity 2), the approvals agent forwards the request along with the patient authorization to the legacy database administrator (entity 3), and the legacy database administrator responds by shipping the requested records to the requestor. The exchange of information away from and back to the requestor is lacking in *Shelton*. The system of *Shelton* moves request information unidirectionally from requestor to legacy database, gathering approvals along the way.

The Examiner notes that the legacy database administrator generates a tracking number for tracking the shipped records; however, this tracking number is a conventional shipping tracking number, not the request identifier or cover letter defined by the claim. *Shelton* never discloses the bidirectional transfer even of this information in the manner of the claimed invention.

Because all of the elements of claim 1, as amended, do not correspond to the elements disclosed by *Shelton*, *Shelton* cannot anticipate the claimed invention.

Independent claims 2 and 16 define inventions that in relevant part include actors, means and structures similar to those discussed above in connection with claim 1. Therefore, claims 2 and 16 are also not anticipated by *Shelton*.

Because independent claims 1, 2 and 16 are not anticipated by *Shelton*, claims 3-6, 8-12, 14, 15, 17, 18 and 20-26, which all depend therefrom, are also not anticipated by *Shelton*.

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 7, 13 and 19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Shelton* in view of U.S. Patent No. 6,888,075 to Hacker (hereinafter *Hacker*). Independent claims 1, 2 and 16, from which claims 7, 13 and 19 depend, have been amended, overcoming coming this rejection.

Claims 7, 13 and 19 are dependent claims, dependent from independent claims 1, 2 and 16, respectively. *Shelton* teaches a method and system, as discussed above, in connection with the rejections under § 102. *Hacker* also discloses a method an system for requesting medical records; however, there is no teaching in either reference alone or in the proposed combination thereof of the particular elements discussed above as lacking in *Shelton* alone. Therefore, claims 7, 13 and 19 are patentable over the proposed combination of *Shelton* and *Hacker*.

Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. C1151-7000.

Respectfully submitted,
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